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Construction Bulletin

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Subject: Land Disposal Restrictions Phase IV

Applicability: INFORMATION

1. **REFERENCE:** Environmental Protection Agency (EPA) "Land Disposal Restrictions Phase IV," Federal Register / Vol. 62, No. 91, May 12, 1997.

2. **PURPOSE.** The purpose of this Construction Bulletin (CB) is to familiarize construction personnel with the Environmental Protection Agency (EPA) final rule on Land Disposal Restrictions Phase IV. This phase covers: Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions. The effective date for this final rule is August 11, 1997, except for certain prohibitions concerning underground injection and land disposal restriction of F032, F034, and F035 which are effective May 12, 1999. It is important to note, however, that where changes to the regulations are considered less stringent than previous requirements, authorized states may elect not to adopt the less stringent standards. State regulations should be consulted to determine specific requirements.

3. **BACKGROUND.** In the 1984 Hazardous and Solid Waste Amendments (HSWA) of the Resource Conservation and Recovery Act (RCRA), Congress specified that land disposal of hazardous waste is prohibited unless the waste meets treatment standards established by EPA. HSWA requires that treatment standards must substantially diminish the toxicity or mobility of hazardous waste, so that short and long term threats to human health and the environment are minimized. The treatment standards are part of the Land Disposal Restrictions Program. This final rule is one part of the collection of land disposal restrictions (LDR) rules known as "Phase IV." These rules are the latest in a series of LDR rules that establish treatment standards for newly listed and identified wastes, and that resolve other hazardous waste matters.

4. **SUMMARY OF REVISIONS:**

a. EPA Hazardous waste numbers F032, F034, and F035 (wood preserving wastes) are prohibited from underground injection and land disposal.

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b. EPA Hazardous waste numbers F032, F034, and F035 that are mixed with radioactive wastes are prohibited from underground injection. Soil and debris contaminated with F032, F034, and F035 and radioactive wastes mixed with F032, F034, and F035 are prohibited from land disposal (effective date May 12, 1999).

c. Processed scrap metal and containerized shredded circuit boards (that are free of mercury switches and relays, nickel-cadmium batteries, and lithium batteries) are now excluded from the definition of solid waste for regulatory purposes as long as they are being recycled.

d. Treatment standards for wood preserving wastes (F032, F034, and F035) are established, and the treatment standards for Chlorinated Aliphatic Wastes (F024) were revised.

e. Elimination of the "California List" waste prohibitions that was under section 268.32. Previously, incineration was required for certain halogenated organic compounds constituting "California List" wastes. These requirements have been superseded by more specific treatment standards.

f. Amendment to the LDR notifications by requiring only a one-time notification with the initial shipment of: (1) hazardous waste to be shipped for treatment or storage or (2) waste to be shipped to a disposal facility, i.e., waste that meets the treatment standard. The generator must send the notification to the treatment, storage or disposal facility receiving the waste, as applicable, and place a copy in the file. This applies to all restricted hazardous wastes including lab packs. No new notification would be required unless there were a change in the waste, process, or receiving facility. Note, however, because this is a less stringent requirement, authorized states are not required to adopt this less stringent standard and may still require notifications to accompany each shipment of hazardous waste.

5. The full text of the EPA final rule is available on the Internet and can be accessed through the world wide web (www) on the following address:

<http://www.epa.gov/fedrgstr/EPA-WASTE/1997/May/Day-12/f11636.htm>

6. This Construction Bulletin was coordinated with the following HQUSACE organizations: office of the Chief Counsel (CECC-C); Environmental Division (CEMP-RT); and Operations, Construction, and Readiness Division (CECW-OC).



KISUK CHEUNG, P.E.

Chief, Engineering and Construction Division